

Serial No. 09/855,196

Docket No.: KCC-14,944

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## REMARKS

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the following remarks. Currently, Claims 1-4 and 6-37 are pending. Claim 5 was previously canceled.

## Claim Rejections - 35 U.S.C. §103

The rejection of Claims 1-4 and 6-37 under 35 U.S.C. §103(a) as being unpatentable over Mathis et al. (U.S. Patent No. 5,680,653, hereinafter "Mathis") in view of Glaug et al. (U.S. Patent No. 6,478,786, hereinafter "Glaug") is respectfully traversed, particularly in view of the following remarks.

Applicants' claimed invention, as recited in independent Claims 1, 15, and 27, requires a color pigment applied to a zone in a targeted elastic material that creates a visible perception of a discrete elastic band on the targeted elastic material where no actual elastic band is present. The recitation of a "targeted elastic material" further emphasizes the lack of actual elastic bands since, by definition, targeted elastic materials do not include materials having elasticized regions achieved through separate manufacture of an elastic band and subsequent connection of the elastic band to the underlying material.

In contrast, Mathis fails to disclose or suggest any color pigment, particularly any color pigment that creates a visible perception of a discrete elastic band on a substrate where no actual band is present.

In further contrast, Glaug discloses only distinctively colored discrete elastic fibers, thus failing to disclose or suggest an "apparent" elastic band in which a visible perception of a discrete elastic band is created where there is no actual band.

As explained by Applicants at page 3, lines 3-17, the elimination of a separately manufactured elastic band in garments reduces cost; however, because the use of visible, distinct elastic bands has gained widespread consumer acceptance, there is an incentive to at least maintain the *perception* of a visibly distinct elastic band where elastic

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properties exist. Applicants' claimed invention, through the use of an apparent elastic band, creates the visible perception of a discrete elastic band, even though no such band is present. The added color pigment enhances the visible perception of a discrete elastic band, even though there is no actual elastic band.

Neither Mathis nor Glaug identify this need for an apparent elastic band, or any other use for an apparent elastic band. In fact, Glaug uses *actual* colored elastic bands that "color code" the garment to distinguish front from back, thus eliminating any need to create the *illusion* of elastic bands. Furthermore, Glaug fails to provide any motivation to add the *illusion* of an elastic band to the Mathis laminate. Thus, there is no motivation to modify or combine these references to achieve an "apparent" elastic band, particularly an apparent elastic band enhanced with a color pigment where there is no actual elastic band. Even if Mathis and Glaug were combined, Glaug fails to overcome the deficiencies of Mathis.

For at least the reasons given above, Applicants respectfully submit that the teachings of Mathis in view of Glaug fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

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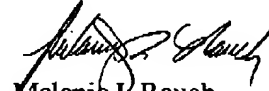
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Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



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